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Attorney for Objector Christopher Bandas

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN EMBRY, individually and on behalf of
himself, the general public and those similarly
situated,

Plaintiff,

v.

ACER AMERICA CORPORATION; AND
DOES 1 THROUGH 50,

Defendants.

Case No. 09-cv-1808-JW

**OBJECTOR BANDAS' STATUS REPORT RE
STATUS OF APPEAL**

Date: April 30, 2012

Place: Courtroom 15, 18th Floor

Judge: Hon. James Ware

Pursuant to the Court's order asking for additional briefing as to the status of the appeals,
Objector Christopher Bandas responds as follows:

Bandas paid the appeal fee on April 23, 2012, and has renewed his motion to reopen the appeal
(filed on April 30, 2012 with the Ninth Circuit Court of Appeals, Docket #9). The renewed motion
remains pending in the Ninth Circuit Court.

Bandas also incorporates herein only the appellate history outlined in Section II of plaintiff's
supplemental brief [Docket #251] adding that the District Court issued a Notice of Electronic Filing
Order entered April 2, 2012, which provides that "Within 21 days from the date of entry of this order,
appellant shall . . . pay \$455.00 to the district court as the docketing and filing fees for this appeal and

1 provide proof of payment to this court. . . . If appellant fails to comply with this order, the appeal will
2 be dismissed automatically by the Clerk under Ninth Circuit Rule 42-1.” [Doc 233]. Twenty-one
3 calendar days from April 2 is April 23. A copy of this order has been provided to this Court and the
4 Ninth Circuit Court.

5 Objector once again believes that this case was dismissed based upon the premature dismissal of
6 the appeal. Objector has shown why the appeal was dismissed in error, and requests that the Court
7 reopen this case for good cause demonstrated.

8 Objector’s fees have been posted with the District Court on April 23, in accordance with the
9 Order dated April 2. Objector, then, has fully complied with the April 2 order.
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12 LAW OFFICES OF DARRELL PALMER
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14 Dated: May 4, 2012

By: /s/ Joseph Darrell Palmer

15 Joseph Darrell Palmer

16 Attorney for Objector, CHRISTOPHER BANDAS
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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2012, I electronically filed the foregoing OBJECTOR BANDAS' STATUS REPORT RE STATUS OF APPEAL with the Clerk of the Court of the United States District Court for the Northern District of California by using the USDC CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC CM/ECF system.

/s/ Joseph Darrell Palmer
Joseph Darrell Palmer
Attorney for Objector